JAIDER RECITIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE S/S Robcaste Road, 1,575' E of the c/l

Paper Mill Road

(14204 Robcaste Road) 10th Election District

3rd Councilmanic District

Leslie R. Rush, Jr., et ux Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-437-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Leslie R. and Joyce P. Rush. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 30 feet in lieu of the required 50 feet in an R.C.5 zone for a proposed two-story addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore

Date HECK-WEIPFOR FILING

County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

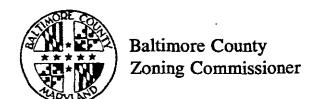
this ______day of June, 1999 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 30 feet in lieu of the required 50 feet in an R.C.5 zone for a proposed two-story addition., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

June 11, 1999

Mr. & Mrs. Leslie R. Rush, Jr. 14204 Robcaste Road Phoenix, Maryland 21131

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Robcaste Road, 1,575' E of the c/l Paper Mill Road
(14204 Robcaste Road)
10th Election District — 3rd Councilmanic District
Leslie R. Rush, Jr., et ux - Petitioners
Case No. 99-437-A

Dear Mr. & Mrs. Rush:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc:

People's Counsel; Case/File



CASE NO. 99- 437- A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

RYLA	for the prepart	LICELII to better to	2000-	Co 21131
	tor the property	y located at 14204 of which is presently		
This Petition shall be filed with the D	epartment of Permi	its and Develonment Mana	Tement The	indersigned legal
made a part hereof, hereby petition for a	nore County and which Variance from Secti	ch is described in the description(s)	tion and plat att	ached hereto and
A 30FT. SIDE LAN	1 SETBACK	IHOY, 38 2-	Coton	Mi7.
KC.S. Zora.			OF C. U	NHW
•	,			
of the zoning regulations of Baltimore Co	ounty, to the zoning k	aw of Baltimore County, for th	ne reasons indi	cated on the back
of this petition form.				
Property is to be posted and advertised a I, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Cou	riance, advertising, po:	sting, etc. and further agree to a	nd are to be bou ounty.	nded by the zoning
		I/We do solemnly declare a perjury, that I/we are the legist the subject of this Petition	gal owner(s) of th	the penalties of energy which
Contract Purchaser/Lessee:		Legal Owner(s):		
		LESLIE R. K	USH JR.	
Name - Type or Print		Name Type or Print	Z J.	
Signature		Signature P. R.	Hzv	7.1
Address	Telephone No.	Name - Type or Print	ul	
City State Attorney For Petitioner:	Zip Code	Signature 14204 ROBCA	STE RO	410.527-062
		Address PHOENIX MD	21131	Telephone No.
Name - Type or Print		City	State	Zip Code
Signature		Representative to be	Contacted:	
Company		ETHER OF AB	,ov &	
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
Public Hearing having been formally deman	ded and/or found to be	required, it is ordered by the Zon nis petition be set for a public hearing	ing Commissioner	of Baltimore County,
editations of Baltimore County and that the prope	rty be reposted.	pendon de set for a public fleatiff	y, auveruseu, as f	Manea ny tie zaning
4/1		Zoning Commissione	er of Baltimore Cou	ntv

Reviewed By

Estimated Posting Date _

t in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	14204 ROBCASTE RD.
	THOENIX MD 2113)
	City State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
THE VARIANCE IS NECESSA	ey in order to construct necessary
IMPROVEMENTS IN A MANNE	R THAT IS ARCHITECTURACLY & AESOHETICACLY
	POGRAPHY OF THE LOT & THE DESIGN OF
THE EXISTING HOUSE, THE LOCATION EHOWN ON THE PE	- ADDATION CAN ONLY BE PLACED IN THE
THE ADDITION CONSISTS OF 1	BEDROOMS, AFAMILY ROOM & Z CAR GARAGE.
# PROTECT CHRS FROM ELEM THE LOT ADJACENT TO	OUR HOUSE WHERE THE VARIANCE IS
REQUESTED IS A VACANT	
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Leslie Dark &	Jane P. Rush
Signature LESUE R. RUSH, JR.	Signature P. Rush Souce P. Rush
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:
I HEREBY CERTIFY, this 5 day of 6 day o	bul 1999, before me, a Notary Public of the State
Ashe Raid	percet Kush
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified to me as such Affiant(s), and made oath in due form of the are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	Cleaned and correct to the best of his/her/their knowledge and belief.
4-15-99	Cleaned Massares & 8 18 18 18 18 18 18 18 18 18 18 18 18 1
Date	My Commission Expires
REV 09 15 98	Manufactural Parks of the Parks

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	14204	<u>robcaste</u>	<u>, KD. </u>	
	Address THOENIX	MA	21131	
	City		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the fa p or practical d	acts upon which 1/	we base the req	uest for an Administrative
THE UMPLAICE IS NECESSARY IN OR MANNER THAT IS ARCHITECTURACLY OF THE LOT AND THE DESIGN OF THE PLACED IN THE LOCATION S THE ADDITION CONSISTS OF R BRINGING THE HOUSE IN CH PROTECT CARS FROM ELEMENS THE LOT ADJACENT TO OUR	DER TO CO \$ HESTHE FTHE E SHOWN ON BEDROOMS F WITH \$ PRIVING HOUSE U	ON STRUCT NE TICHCY PLEAS EXISTING HOWS THE PLAT. 3 A FAMILY OTHER I	smg. Duc Te K, THE ADI 4 Room & tomes w	THE TOPOGRAPHY DITTON CAN ONLY Z CAR GARAGE THE COMMUNITY &
IS A VACANT LOT OWNED B	4 US.	146	Michaele	12 requestion
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature. LESUE R. Push, JR. Name - Type or Print	rmal demand additional inform	is filed, Affiant(s) nation. Signature OYCE Name - Type or Property	P. Rush	to pay a reposting and
I HEREBY CERTIFY, this day of day of Managard in and for the Soundy storesaid per	pril	1994		Notary Public of the State
Gestie Ry Jayo	re P.	Kush)	
the Affiant(s) herein, personally known or satisfi law that the matters and facts hereinabove set for	actorily identifiorth are true ar	ed to me as such ad correct to the b	n Affiant(s), and rest of his/her/thei	
AS WITNESS my hand and Notarial Seal	Le Co	zee Elk	Quanu	r knowledge and belief.
Date	2	Public ommission Expire	s 6/14/	9 1 5 1 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
REV 09/15/98	, 0		 1-1+	9 7 EN ON BALLINIAN BALLIN



REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

5-16.99

A TOWN AND		Commissioner of Da		Jounty
WY LOND	for the propert	y located at 14204 Robo	ASIE RO.	21131
		which is presently zone	ed <u>RC-5</u>	
made a part hereof, hereby pet	in Baltimore County and whitition for a Variance from Sect	its and Development Manageme ch is described in the description a ion(s) 1 (104.3 B. 2 CK LN (Cur of 50	nd plat attached	hereto and
of this petition form.	•	aw of Baltimore County, for the rea	isons indicated o	on the back
Property is to be posted and ad I, or we, agree to pay expenses of regulations and restrictions of Balti	above Variance, advertising, po	zoning regulations. sting, etc. and further agree to and are to the zoning law for Baltimore County	to be bounded b	y the zoning
		I/We do solemnly declare and aff perjury, that I/we are the legal ow is the subject of this Petition.	īrm, under the per ner(s) of the prop	nalties of erty which
Contract Purchaser/Lesse	<u>e:</u>	Legal Owner(s):	0	
Name - Type or Print Signature		Name - Fighe or Print Signature LESCIE R. PUS Signature	\$	
Address	Telephone No.	Name - Type or Print Puss	+	
City	State Zip Code	Signature /		,
Attorney For Petitioner:		Address PHOENIX MD	. RD. 411 21131	0 - 5 27-0 62 elephone No.
Name - Type or Print		City PCD	State	Zip Code
Signature		Representative to be Con	_	
Company		EITHER OF ABOUE		
Address	Telephone No.	Address	Tel	lephone No.
City	State Zip Code	City	State	Zip Code
A Public Hearing having been forma his day of egulations of Baltimore County and tha	ally demanded and/or found to be that the subject matter of that the property be reposted.	required, it is ordered by the Zoning Co his petition be set for a public hearing, adve	mmissioner of Baltin ertised, as required I	nore County, by the zoning
		Zoning Commissioner of Ba		

Estimated Posting Date ___

MARYL 'D TT-437-A. WANCE CEIPT ACCOUNT RCCCCC AMOUNT \$ SCCCC AMOUNT \$ SCCCCC CCCCACCCCCCCCCCCCCCCCCCCCCCCCCC

CERTIFICATE OF BOSTING

RE	Case No _	99-4	37-A
	Petitioner/D	Developer	USH, ETAL
	Date of He	aring/Closing _	5/31/99

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #14204 ROBCASTE RD. The sign(s) were posted on _

Sincerely,



Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 437 -A Address 14364	RCBCASTE WAY		
Contact Person: Planner, Please Print Your Name	one Number: 410-887-3391		
Filing Date: 5 5 79 Posting Date: 5-16.	Closing Date: 5-3(-99		
Any contact made with this office regarding the status of the admini through the contact person (planner) using the case number.	strative variance should be		
POSTING/COST: The petitioner must use one of the sign posters reverse side of this form) and the petitioner is responsible for all reposting must be done only by one of the sign posters on the application is again responsible for all associated costs. The zoning notice property on or before the posting date noted above. It should remarkable.	printing/posting costs. Any proved list and the petitioner sign must be visible on the		
 DEADLINE: The closing date is the deadline for an occupant or of a formal request for a public hearing. Please understand that request for a public hearing, the process is not complete on the closest 	even if there is no formal		
ORDER: After the closing date, the file will be reviewed by the commissioner. He may: (a) grant the requested relief; (b) deny order that the matter be set in for a public hearing. You will (typically within 7 to 10 days of the closing date) as to whether the denied, or will go to public hearing. The order will be mailed to you	receive written notification petition has been granted.		
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that (whether due to a neighbor's formal request or by order of th commissioner), notification will be forwarded to you. The sign changed giving notice of the hearing date, time and location. As a posted, certification of this change and a photograph of the alterest this office.	e zoning or deputy zoning on the property must be when the sign was originally		
(Detach Along Dotted Line)			
Petitioner: This Part of the Form is for the Sign Poster Only			
USE THE ADMINISTRATIVE VARIANCE SIGN FO	RMAT		
Case Number 99- 437 -A Address 14 2 C4 Ro	BCASTE WAY		
Petitioner's Name Rus (-) Telep	hone <u>410-527-011</u>		
Posting Date: Closing Date:	5.31.99		
Nording for Sign: <u>To Permit A Side Yand Setab</u>	ex OF 3C FT.		
IN (1ew CF THE REQUIRED 50 FT.	ew AN RC-S		
ZONIC			
	A STATE OF THE STA		
·	MOD David - 1 7/0/00		

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

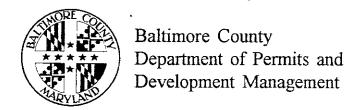
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
_
Item Number or Case Number: 99 437. A.
Petitioner: LESUE R. RusH
Address or Location: 14204 Robotste RO PHOENIX 21131
1
PLEASE FORWARD ADVERTISING BILL TO:
Name: LESUE R RUSH
Address: 14204 RobcASGE RD.
Address: 14204 RobcASOE RD. PHOENIX MD 21131
Telephone Number: 4(0-527-01/1



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 2, 1999

Mr. & Mrs. Leslie R. Rush, Jr. 14204 Robcaste Road Phoenix, MD 21131

RE: Case No.: 99-437-A

Petitioner: Rush

Location: 14204 Robcaste Road

Dear Mr. & Mrs. Rush:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 5, 1999.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 1, 1999

Department of Permits & Development

Management

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for June 1, 1999

Item Nos. 421, 426, 435, 436, 437 438, 444, 445, 447, 448, 449, 450,

and 453

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 25, 1999

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s): Item No (s): 426, 435, 436, 437, 438, 439, 444, 445, 446, 448 and 455

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Offy M. Ly

AFK/JL



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

June 2, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DICTRIBUTION MEETING OF May 24, 1994

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans fix the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

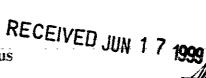
416, 434, 425, 426, 437, 438, 439, 444, 445, 446, 447, 448, 449, 450, 451, 452, and 455

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4831, MS-1102F

cc: File







Closinos Tete . 5/31/95

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: June 3, 1999

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

SUBJECT:

Zoning Item #437

Powell at 410-887-2762.

JUN 1 1

14204 Robcaste Road

Zoning Advisory Committee Meeting of May 24, 1999

	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
<u>X</u>	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
_	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	X Prior to approval of a building permit, the existing septic system must be

inspected by the Groundwater Management Section. Contact Mr. Rob



Parris N. Glendening John D. Porcari Secretary Parker F. Williams Administrator

Date:

5.21.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 437

JRA

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

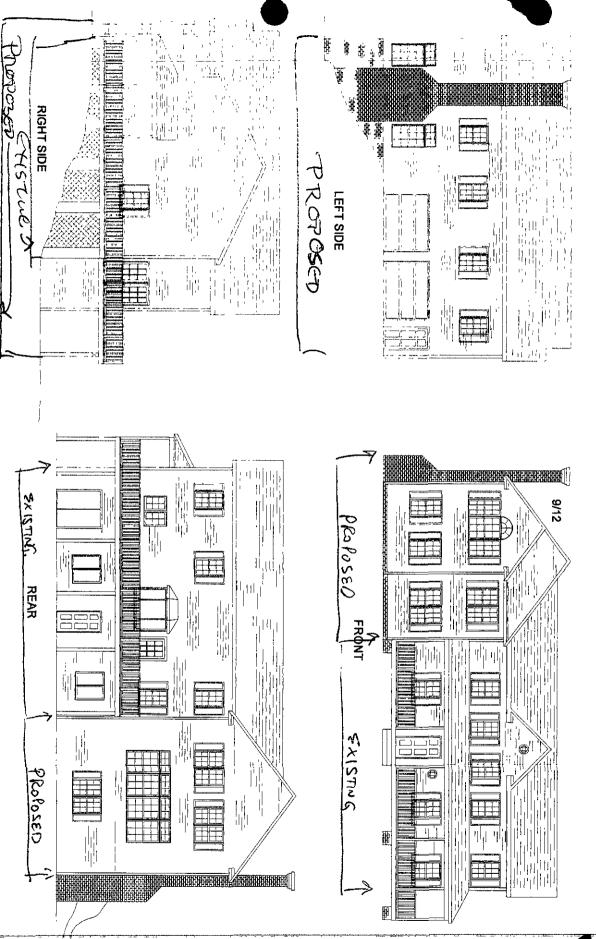
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

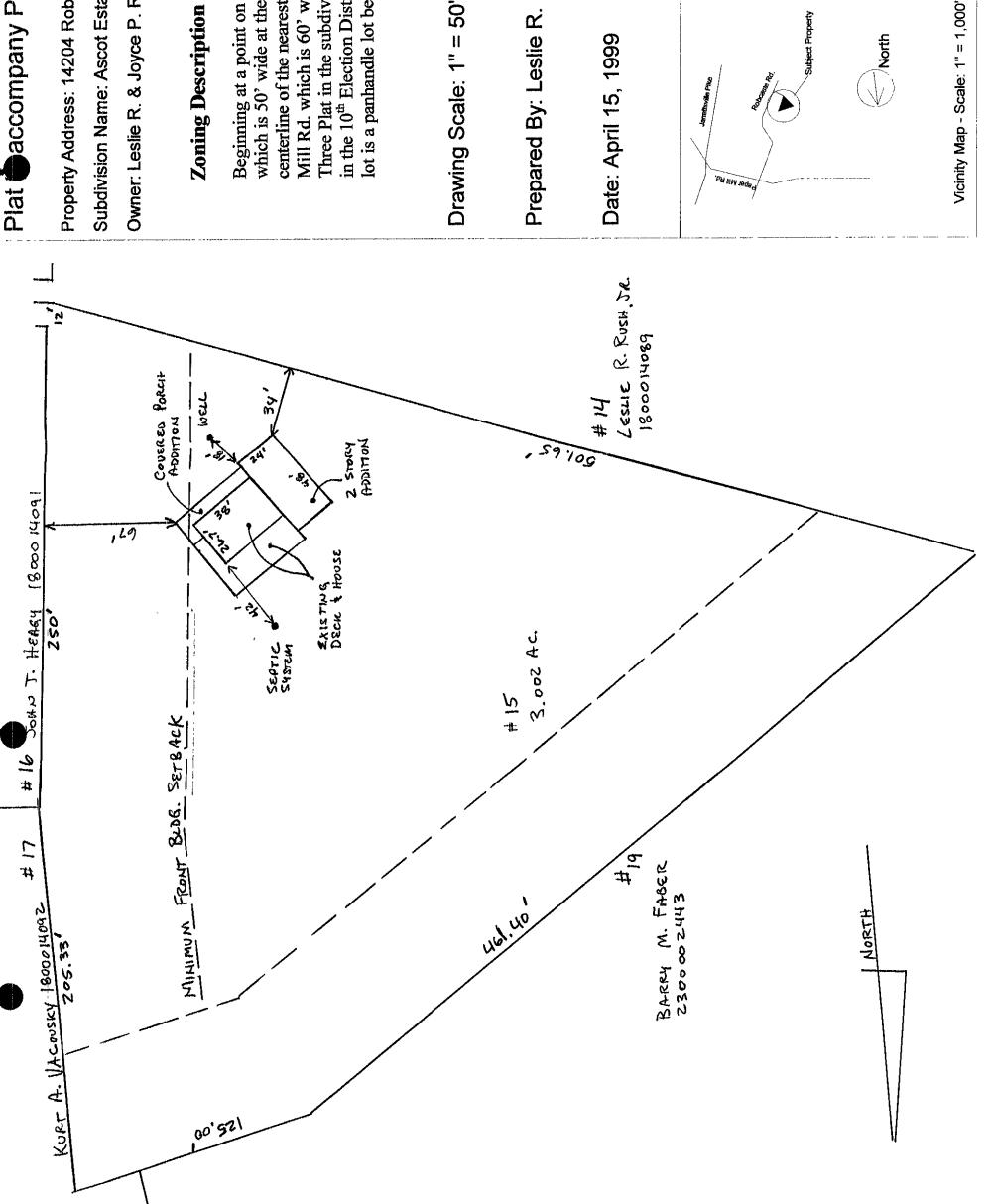
f. J. Gredler

Michael M. Lenhart, Chief

Engineering Access Permits Division



99.437-A



accompany Petition f Zoning Variance

Property Address: 14204 Robcaste Rd., Phoenix, MD 21131 Subdivision Name: Ascot Estates (Revised Section Three) Owner: Leslie R. & Joyce P. Rush, Jr.

Zoning Description For 14204 Robcaste Rd.

Mill Rd. which is 60' wide. Being Lot 15, Revised Section in the 10th Election District, 3rd Councilmanic District. The lot is a panhandle lot beginning 350' south of Robcaste Rd. centerline of the nearest improved intersecting street Paper Three Plat in the subdivision of Ascot Estates and located which is 50' wide at the distance of 1,575' East of the Beginning at a point on the south side of Robcaste R.

Drawing Scale: 1" = 50'

Prepared By: Leslie R. Rush

Date: April 15, 1999

LOCATION INFORMATION

1" + 200' scale map #: N \$ 20 - C Councilmanic District: 3rd Election District: 10th

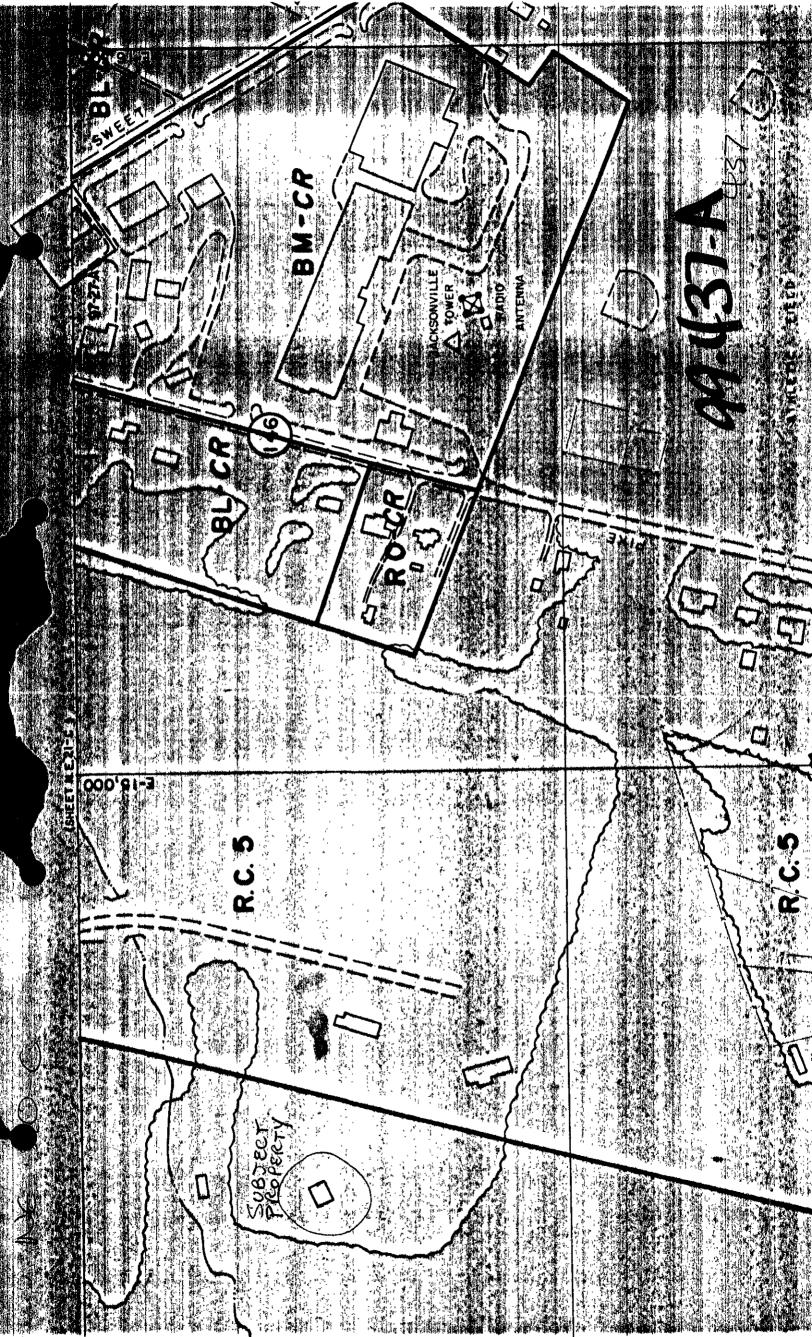
Chesapeake Bay Critical Area: No Lot size: 3.002 acres (130,767 sf) Sewer: Private Water: Private Zoning: RC-5

Zoning Office Use Only Reviewed by: | Item #: Case

Prior Zoning Hearings: None

North

Q-1527-PP 432





SIDE OF HOUSEON TO WHICH ADDITION WINGO SCOPE NOTAS GREATAS OFFOSITE



House From Hoperson NOTE SLOTE.



From ADDITEON NOTE SLOVE PROSECULARION



ADDITION SIDE.
(VIEW OF FRONTOF House

